UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,705	01/15/2004	Billy Keefer	17646-112001 / 20000244	8442

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EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/759,705	KEEFER ET AL.
	Examiner	Art Unit	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 September 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>15 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/01/04, 9/13/05,</u>. 4/26/05

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

- This action is responsive to the amendment and remarks file on 9/13/05

- Claims 1-25 are for further examination.

- The text of those sections of Title 35, U.S. code not included in this office action

  can be found in a prior office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

Claims 1, 4-9, 12-17, and 20-25 are rejected under 35 U.S.C. 103(a) as being

obvious over Scarpelli et al hereinafter Scarpelli (US 6,816,898) in view of "Official

Notice".

1. Referring to Claims 1 and 9, Scarpelli teaches a system for agent-based monitoring

of network devices in an enterprise network with means for:

a. Selecting a network device from the enterprise network (fig 6a, 7, Col 8, Lines 20-22).

Note that the user sets up a monitor agent for a particular device.

b. Selecting an agent template based on the selected network device (Col 7, Lines 14-

27; fig 6a, 7),

c. Instantiating an agent object based on the class template, the agent object operable

to monitor hardware characteristics of the network device (Col 7, Lines 22-27; Col 8,

Lines 55-67).

Scarpelli does not expressly indicate the agent template comprising a class definition.

Official Notice is taken that it is obvious for ordinary skill in the art to utilize the agent

template program which utilizes the class definition.

The suggestion/motivation for doing so would have been Scarpelli discloses that any

agent template (script base program) can be in any shell script language or any similar

program language. C++ and Java are common script language program that comprises

class definition and is not patently distinct.

2. Referring to Claims 4, 12, and 20, Scarpelli teaches all the limitations as applied to

claims 1, 9, and 17, respectively. They further teach means wherein monitoring

comprising retrieving information associated with at least a portion of the hardware

characteristics of the network device (Col 6, Lines 3-7).

3. Referring to Claims 5, 13, and 21, Scarpelli discloses all the limitations as applied to

claims 1, 9, and 17 respectively. They further teaches that each characteristics of the

network device is selected from the group consisting of: memory usage; chassis

temperature; Central Processing Unit (CPU) usage; fan status; module status; and

power supply status (Col 6, Lines 3-7).

4. Referring to Claims 6, 14, and 22, Scarpelli discloses all the limitation as supplied to

claims 1, 9, 17, respectively. They further teach means for comparing at least one of

the hardware characteristics to an associated threshold value

5. Referring to Claims 7, 15, and 23, Scarpelli discloses all the limintations as applied to

claims 6, 15, and 22, respectively. They further teach means for automatically

communicating an alert in response to the hardware characteristics vilating the

associated threshold value (Col 7, Lines 1-12).

6. Referring to Claims 8, 16, and 24, teaches all the liminations as applied to claims 1,

9, and 17, respectively. They further teach means wherein the agent object comprises

a parent object and at least one child object, the parent object associated with the

network device and each child associated with one of the hardware characteristics (Col

7, Lines 14-27; Col 8, Lines 20-22). Note that in the reference, a parent script resides at

the monitoring machine and the remote "child" agent operates at the network device to

monitor its hardware characteristic.

7. Referring to Claims 17, Scarpelli discloses a system for agent-based monitoring of

network devices in an enterprise network comprising memory operable to store

information associated with a plurality of network devices in the enterprise network (Col

6, Lines 55-59) and one or more processors collectively operable to:

a. Select a network device from the enterprise network, each network device associated

with one of a plurality of device classes (figure 6a, 7; Col 8, Lines 20-22);

b. Select an agent template based on the selected network device (Col 7, Lines 14-27;

Fig 6a, 7),

c. instantiate an agent object based on the class definition, the agent object operable to

monitor hardware characteristics of the network device (Col 7, Lines 22-27; Col 8, Lines

55-67).

Scarpelli does not expressly indicate the agent template comprising a class definition.

Official Notice is taken that it is obvious for ordinary skill in the art to utilize the agent

template program which utilizes the class definition.

The suggestion/motivation for doing so would have been Scarpelli discloses that any

agent template (script base program) can be in any shell script language or any similar

program language. C++ and Java are common script language program that comprises

class definition and is not patently distinct.

8. Referring to Claim 25, Scarpelli discloses a system for agent based monitoring of

network devices in an enterprise network with means for;

a. Selecting a switch from the enterprise network (figure 6a, 7; Col 8, Lines 20-22; Col

5, Lines 15-16). Note that the user sets up a monitor agent for a particular device.

b. Selecting an agent templates based on the associated device class of the selected

switch (Col 7, Lines 14-27; figure 6a and 7);

c. Instantiate an agent object based on the agent template, the agent object operable to

monitor hardware characteristics of the network device based on the agent template

(Col 7, Lines 22-27; Col 8, Lines 55-67).

d. Comparing at least one of the hardware characteristics to an associated threshold

value (Col 7, Lines 1-2).

e. Automatically communicating an alert in response to the at least one of the hardware

characteristics violating the associated threshold value (Col 7, Lines 1-12).

Scarpelli does not expressly indicate the agent template comprising a class definition.

Official Notice is taken that it is obvious for ordinary skill in the art to utilize the agent

template program which utilizes the class definition.

The suggestion/motivation for doing so would have been Scarpelli discloses that any

agent template (script base program) can be in any shell script language or any similar

program language. C++ and Java are common script language program that comprises

class definition and is not patently distinct.

Claims 2, 3, 10, 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Scarpelli et al hereinafter Scarpelli (US 6,816,868) in view of "Official

Notice" and in further view of Gundavelli (US 6,795,403).

9. Referring to Claims 2, 10, and 18, although the system discloses by Scarpelli (as

applied to claims 1, 9, and 17, respectively) shows substantial features of the claimed

invention, it fails to discloses the network device associated with at least one

Management Information Base (MIB) parameter.

Nonetheless, these features are well known in the art and it would have been an

obvious modification of the system disclosed by Scarpelli and "Official Notice " as

evidenced by Gundavelli.

In an analogous art, Gundavelli discloses a system for remote management of devices

in a network wherein the network device is associated with at least one Management

Information Base (MIB) parameter (abstract; Col 6, Lines 12-16).

Given the teaching of Gundavell, a person having ordiary skill in the art would have

recognized the desirability and advantages of modifying Scarpelli by associating the

network device with a MIB parameter. This benefits the system by allowing the user to

quickly look up the device by type in the structured database.

10. Regarding Claims 3, 11, and 19, although the system discloses disclosed by

Scarpelli shows substantial features of the claimed invention, it fails to disclose the

agent object monitoring the network device based on the one or more MIB parameters.

In an analogous art, Gundavelli discloses a system for remote management of devices

in a network wherein the agent object monitors the network device based on the one or

more MIB parameter (abstract; Col 6, Lines 12-16)

Given the teaching of Gundavelli, a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Scarpelli by associating

the monitoring the network device with a MIB parameter. This benefits the system by

allowing the user to quickly look up and configure the agent used for monitoring the device.

Response to Arguments

Applicant's arguments filed 9/13/2005 are fully considered but they are moot in view of the new ground of rejection which is necessitated by applicant's amendment.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER